

NB:WPC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

10-1188M

- - - - - X
UNITED STATES OF AMERICA

FILED UNDER SEAL

- against -

JOSE EMILIANO GUZMAN REYES,
also known as "Jose Guzman,"

COMPLAINT AND AFFIDAVIT IN
SUPPORT OF APPLICATION FOR
ARREST WARRANT

Defendant.

Cr. No. _____
(T. 8, U.S.C., §§
1326(a) and 1326(b)(1))

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EASTERN DISTRICT OF NEW YORK, SS:

ANDREW STEINBORN, being duly sworn, deposes and states
that he is a Deportation Officer with United States Immigration
and Customs Enforcement ("ICE"), duly appointed according to law
and acting as such.

On or about August 2, 2010, within the Eastern District
of New York and elsewhere, the defendant JOSE EMILIANO GUZMAN
REYES, also known as "Jose Guzman," an alien who had previously
been deported from the United States after a conviction for a
felony, was found in the United States without the Secretary of
the United States Department of Homeland Security, successor to
the Attorney General of the United States, having expressly
consented to such alien's applying for admission.

(Title 8, United States Code, Section 1326(b)(1)).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I am a Deportation Officer with ICE and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the ICE investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about July 21, 2010, ICE officials provided the New York State Division of Criminal Justice Services ("NYSDCJS") with a list of aliens who had been previously removed from the United States. ICE requested that NYSDCJS search its records to determine which of these aliens had been arrested by state authorities in New York on a date subsequent to their removal from the United States.

3. On or about August 2, 2010, after receiving the requested information from NYSDCJS, ICE learned that the defendant JOSE EMILIANO GUZMAN REYES, also known as "Jose Guzman," had been arrested by the Nassau County Police Department

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware.

on March 9, 2003 for Driving While Intoxicated in violation of New York State Vehicle and Traffic Law § 1192(3), a misdemeanor.

4. According to ICE records, the defendant, a citizen of Ecuador, had been previously removed from the United States on June 26, 1997.

5. ICE officials further determined, based on a criminal history report, that on or about on May 23, 1995, in Queens County Supreme Court the defendant was convicted of Attempted Criminal Possession of Stolen Property in the Third Degree in violation of New York Penal Law § 165.50, a Class D felony, and was sentenced to five years' probation.

6. An ICE official with fingerprint analysis training compared the fingerprints taken in connection with the defendant's arrest underlying his May 23, 1995 conviction; the fingerprints taken in connection with the defendant's June 26, 1997 removal; and the fingerprints taken in connection with the defendant's March 9, 2003 arrest, and determined that all three sets of fingerprints were made by the same individual.

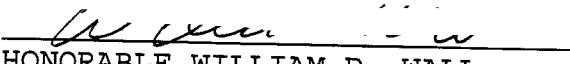
7. A search of ICE records has revealed that there exists no request by the defendant for permission from the Secretary of the United States Department of Homeland Security, successor to the Attorney General of the United States, to reapply for admission to reenter the United States after removal.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant JOSE EMILIANO GUZMAN REYES, also known as "Jose Guzman," so that he may be dealt with according to law.



ANDREW STEINBORN
Deportation Officer
U.S. Immigration and Customs
Enforcement

Sworn to before me this
12th day of October, 2010



HONORABLE WILLIAM D. WALL
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK